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EXAMINER	
CHAMBERS, TANGELA T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,337	VERMOLA ET AL.	
	Examiner	Art Unit	
	TANGELA T. CHAMBERS	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30,32-37,39 and 43-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30,32-37,39 and 43-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment and arguments filed on 5/27/2009.
   (a) Claims 1, 8, 10-19, 23, 28, 30 and 33 have been amended.
   (b) Claims 31, 38 and 40-42 have been canceled.
   (c) Claims 43-46 have been added.
   (d) Claims 1-30, 32-37, 39 and 43-46 are pending.

Request for Continued Examination

2. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on May 27, 2009. The applicant's arguments with respect to claims 1-30, 32-37, 39 and 43-46 have been considered, but are moot in view of the new grounds of rejection.

As a result, the argued features read upon the references as follows:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-8, 10, 14-17, 19-20, 23-24, 32, 43-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1), in view of Pekonen (US Patent Publication No. 2003/0152107 A1).

As per claims 1, 10, 43 and 46, Bonomi discloses:

- ***transmitting a plurality of services,*** (Bonomi, Abstract and Column 3, Lines 5-26, Column 6, Lines 21-44 and Column 20, Lines 9-26, "The broadcast data service module 608 serves to guide the retrieval of the media content from the media database and cause the media content to be transmitted (e.g., streaming) over the network.").
- ***each of the services comprising one or more service components, at least some of the service components having different media formats,*** (Bonomi, Column 3, Lines 14-26, Column 5, Lines 32-46, Column 6, Lines 21-44 and Column 33, Lines 30-57, "The server 106 can provide continuous media services, such as live transmission, video-on-demand and audio-on-demand, to its subscribers. The server 106 can also provide video/audio mail services, Internet access, and commercial information to its subscribers.").
- ***the service components for a given service being transmitted in a time-sliced manner on a given channel;*** (Bonomi, FIG. 11A and Column 28, Lines 5-25, "The program guide area 1102 displays a program guide of the various channels and programs being offered as live assets by the media system. The programs are arranged in a grid-like fashion with rows pertaining to time slots and columns pertaining to channels.").
- ***generating service identification data relating service components to services on that channel;*** (Bonomi, Figs. 15A-15C and Column 8, Line 55 – Column 9, Line 4, Column 28, Lines 5-25 and Column 33, Lines 1-14 and Lines 30-57, "When a channel … is selected, the show action region 1528 shows relevant information 1529 about the channel[.]").
- ***repeatedly transmitting the service identification data on the channel;*** (Bonomi, FIG. 5C and 15C, Column 18, Lines 19-34 and Column 34, Lines 42-56, "As described above, the program guide 1540 is updated at the server side and may be downloaded at request or automatically at determinable times controlled by the media delivery center."), Bonomi teaches a program guide which contains the service identification data on the channel that can be transmitted automatically.
- ***repeatedly transmitting information relating to the timing of transmissions of the service identification data,*** (Bonomi, Column 18, Lines 53-67, "The program

guide may be viewed as a tablet, if displayed, that lists many time slots, each is associated with a program to be broadcast as scheduled."), Bonomi teaches a program guide which contains the timing of transmission of the service identification data that can be transmitted automatically (repeatedly).

- ***providing service selection for a mobile terminal,*** (Bonomi, Column 17, Line 56 – Column 18, Line 5, Column 33, Lines 9-14 and Column 35, Lines 1-22, "Each of the toolbar region 1504 and the commerce region 1506 may include one or more selectable items that allow a user to select a desired service/application being provided by the server.").

Bonomi teaches transmitting service components but does not specifically disclose the following limitations. However, Pekonen in an analogous art discloses:

- ***wherein the service components are transmitted in bursts with an interval between end of a first burst and start of a second burst,*** (Pekonen, Abstract and Paragraphs [0003]-[0005] and [0086]-[0090], "A value for the time to next burst time-slice parameter 2212 can be used to specify an amount of time between transmission of a current packet and the first packet of the next transmitted burst of packets--regardless of whether the next burst is an original burst or a copy burst--from the same data service of the same information service provider.").
- ***content of consecutive bursts is the same or at least partly different;*** (Pekonen, Paragraphs [0084]-[0085], "Bursts of packets can be transmitted more than once.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pekonen into the teaching of Bonomi to transmit service components in bursts with the content of the bursts being the same or different. The modification would be obvious because one of ordinary skill in the art would want to benefit of reducing power consumption levels and improving operating efficiency of the broadcasting equipment. (Pekonen, Paragraph [0002]).

As per claims 5 and 14, Bonomi further discloses:

- ***transmitting the information relating to the timing of transmissions of the service identification data in a network different than that used for the transmitting the service identification data on the channel,*** (Bonomi, Figs. 1A-1B, Column 7, Lines 9-32 and Column 17, Lines 45-55), Bonomi discloses different networks including a wireless network which could be used to transmit the program guide containing the timing information to the mobile terminal.

As per claims 6 and 15, Bonomi further discloses:

- ***wherein transmitting the information relating to the timing of transmissions of the service identification data is performed in response to an inquiry from a mobile terminal,*** (Bonomi, FIG. 5C and 15C, Column 18, Lines 19-34 and Column 34, Lines 42-56, "As described above, the program guide 1540 is updated at the server side and may be downloaded at request or automatically at determinable times controlled by the media delivery center."), Bonomi teaches a program guide which contains timing information that can be transmitted at the request of a mobile terminal.

As per claims 7 and 16 they are rejected under the same reasons as set forth in connection of the rejections of claims 5-6.

As per claims 8 and 17, Bonomi further discloses:

- ***using the service identification data to generate a service guide for one or more services,*** (Bonomi, Figs. 5B and 15C and Column 18, Lines 20-34 and Line 53 – Column 19, Line 14, "Initially, a program guide is generated or updated 532. The program guide may be viewed as a tablet, if displayed, that lists many time slots, each is associated with a program to be broadcast as scheduled.").

As per claims 19, 23 and 44, Bonomi discloses:

- ***an apparatus,*** (Bonomi, Column 7, Lines 10-32, "Examples of the terminal device 110 may include a desktop computer, a laptop or notebook computer, a set-top box, and a mobile device.").
- ***a receiver configured to receive at least one repeated transmission of information relating to the timing of transmissions of service identification data,*** (Bonomi, Column 18, Lines 53-67, "On the other hand, when it is determined that there are such requests or it is time to deliver an updated program guide, than an updated program guide shall be delivered to the client machines receiving services from the media delivery center."), Bonomi teaches a program guide which contains the timing of transmission of the service identification data that can be received automatically (repeatedly).
- ***a tuner configured to use the information relating to the timing of transmissions of the service identification data to tune to an appropriate channel at an appropriate time to decode service identification data, the service identification data relating service components on the channel to services;*** (Bonomi, FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25, "The selected channel pertains to the channel that has been selected with respect to the program guide illustrated in the program guide area 1102."), Bonomi teaches a program guide containing timing information and user using the program guide to tune to an appropriate channel.
- ***a processor configured to subsequently obtain, from service components transmitted in a time-sliced manner on the channel, required service components of a service,*** (Bonomi, FIG. 11A, Column 18, Lines 53-67, Column 19, Lines 1-14 and Column 28, Lines 5-25).
- ***the apparatus is a mobile terminal,*** (Bonomi, Column 7, Lines 10-32), Bonomi teaches a mobile device.

Bonomi teaches receiving service components but does not specifically disclose the following limitations. However, Pekonen in an analogous art discloses:

- ***wherein the service components are arranged to be received in bursts with an interval between end of a first burst and start of a second burst,*** (Pekonen, Abstract and Paragraphs [0003]-[0005], [0045] and [0084], "When the encapsulator has received at least two bursts worth of information from an information service provider and has received whatever data the transmitter will send between two such bursts, the encapsulator can determine how much time will elapse between transmission of the first burst and transmission of the second burst.").
- ***content of consecutive bursts is the same or at least partly different,*** (Pekonen, Paragraphs [0084]-[0085]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pekonen into the teaching of Bonomi to receive service components in bursts with the content of the bursts being the same or different. The modification would be obvious because one of ordinary skill in the art would want to benefit of reducing power consumption levels and improving operating efficiency of the broadcasting equipment. (Pekonen, Paragraph [0002]).

As per claims 20 and 24, Bonomi further discloses:

- ***the service identification data relates service components on the channel to services,*** (Bonomi, Figs. 15A-15C and Column 8, Line 55 – Column 9, Line 4, Column 28, Lines 5-25 and Column 33, Lines 1-14 and Lines 30-57).

As per claim 32, Bonomi further discloses:

- ***providing service selection data using the method of claim 23;*** (Bonomi, Column 18, Lines 6-34, Column 33, Lines 30-57 and Column 34, Lines 21-41, "The program guide 520 originally lists all the channels being serviced by the media delivery center.").
- ***following selection of a displayed service set, service or service component, tuning to the correct channel at the appropriate time when the selected service set, service or service component is being transmitted,*** (Bonomi,

FIGS. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25).

Claims 2, 9, 12, 18 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1), in view of Pekonen (US Patent Publication No. 2003/0152107 A1), and in further view of Perkes (US Patent Publication No. 2003/0110503 A1).

As per claims 2 and 12, Bonomi teaches generating service identification data but does not specifically disclose:

- ***generating data identifying the media format of each service component,***

However, Perkes in an analogous art discloses the limitation. (Perkes, FIG. 13 and Paragraphs [0228]-[0229], "In another embodiment, the metadata descriptor of a media object may include information relating to: name of the media object, duration of the media object, genre of the media object, creator of the media object, affinity and parent groups of the media object, other media objects associated and linked to media object, rules for combining the media object with other media objects, owner of the media object, and/or value of the media object").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Perkes into the teaching of Bonomi and Pekonen to generate data identifying the media format of each service component. The modification would be obvious because one of ordinary skill in the art would want a way to provide consumers with digital media in an on demand format in an organized manner. (Perkes, Paragraph [0011]-[0012]).

As per claims 9 and 18, Bonomi further discloses:

- ***receiving the service identification data at a mobile terminal;*** (Bonomi, Fig. 15C, Column 18, Line 6 – Column 9, Line 14, Column 28, Lines 5-54 and Column 34, Lines 21-41, "[T]he program guide 520 is implemented with a markup language and is

downloaded to a client machine for display and updated at predefined times."), Bonomi teaches that the guide containing the service identification data may be displayed on a client machine (mobile terminal).

Bonomi teaches customizing program guides and allowing subscribers to reorder the listing of channels but does not specifically disclose:

- ***at the mobile terminal, hierarchically arranging the services including the service components from the received service identification data,*** However, Perkes in an analogous art discloses the limitation. (Perkes, Figs. 15-17 and Paragraphs [0065]-[0066], "For example, the consumer may choose to view the content displayed in the guide in a different format than the default format and may customize the guide by adding or subtracting categories or genres, and by bookmaking favorite content."), Perkes teaches that the program guide containing the service identification data may be customized (arranged) by the user and presents drawings of the services and service components in hierarchical formats.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Perkes into the teaching of Bonomi and Pekonen to hierarchically arrange services at the mobile terminal. The modification would be obvious because one of ordinary skill in the art would want a way to provide consumers with digital media in an on demand format in an organized manner. (Perkes, Paragraph [0011]-[0012]).

As per claim 29, Bonomi teaches customizing program guides but does not specifically disclose:

- ***hierarchically arranging services comprises using data items describing the various service components for categorizing received content items,*** However, Perkes in an analogous art discloses the limitation. (Perkes, Figs. 15-17 and Paragraphs [0062]-[0063] and [0065]-[0066], "In the process of the selection of content to be delivered, the Content Manager collects certain data regarding the content

("content data"), including but not limited to the type of content, category or genre, content title and other details, such as principal performers, run time and content provider").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Perkes into the teaching of Bonomi and Pekonen to hierarchically arrange services using data items describing the various service components. The modification would be obvious because one of ordinary skill in the art would want a way to provide consumers with digital media in an on demand format in an organized manner. (Perkes, Paragraph [0011]-[0012]).

As per claim 30, Perkes further discloses:

- ***the content items are categorized according to content type,*** (Perkes, Paragraphs [0062]-[0063] and [0065]-[0066], "For instance, instead of the priority, or order, in which The Delivery Scheduler function delivers the content, the consumer may want to see all movies displayed first, or all audio selections displayed first.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Perkes into the teaching of Bonomi and Pekonen to categorize content items according to content type. The modification would be obvious because one of ordinary skill in the art would want a way to provide consumers with digital media in an on demand format in an organized manner. (Perkes, Paragraph [0011]-[0012]).

Claims 3-4, 11, 13, 21-22 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1), in view of Pekonen (US Patent Publication No. 2003/0152107 A1), and in further view of Paila (US Patent Publication No. 2003/0096614 A1).

As per claims 3, 11, 21 and 25, Bonomi teaches services at a channel but does not specifically disclose:

- ***the channel is at a given frequency,*** However, Paila in an analogous art discloses the limitation. (Paila, Paragraph [0004], "A channel may be a frequency, a program identifier ("PIED"), a media access control ("MAC") address, or the like.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the teaching of Bonomi and Pekonen to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Paragraph [0015]).

As per claims 4 and 13, they are rejected under the same reasons set forth in connection of the rejections of claims 1-3.

As per claims 22 and 26, Bonomi further discloses:

- ***identify the media format of each service component;*** (Bonomi, FIG. 11A and Column 28, Lines 5-25).
- ***wherein the processor configured to subsequently maintain the required service components of a service comprises a processor configured to obtain the service components for a given service being transmitted in a time-sliced manner at the given frequency,*** (Bonomi, FIG. 11A and Column 28, Lines 5-25, "The program guide area 1102 displays a program guide of the various channels and programs being offered as live assets by the media system. The programs are arranged in a grid-like fashion with rows pertaining to time slots and columns pertaining to channels.").

Bonomi discloses using service identification data to tune to an appropriate channel at an appropriate time but does not specifically disclose:

- ***wherein the tuner configured to use the information relating to the timing of transmissions of the service identification data to tune comprises a tuner configured to use the information relating to the timing of transmissions of the service identification data to tune to an appropriate frequency at an appropriate time to decode service identification data, the service identification data relating service components at the frequency to services,*** However, Paila in an analogous art discloses the limitation. (Paila, Paragraphs [0004] and [0032], "The user may then tune the mobile terminal 104 to the desired channel, causing the mobile terminal 104 to select specific tuning and filter parameters corresponding to the selected channel, in a manner well known to those skilled in the art. In this manner, the mobile terminal selects and receives the corresponding service available on the selected channel (step 606).").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the teaching of Bonomi and Pekonen to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Paragraph [0015]).

As per claim 27, Bonomi further discloses:

- ***using the service identification data to generate a service guide for one or more services,*** (Bonomi, Figs. 5B and 15C and Column 18, Lines 20-34 and Line 53 – Column 19, Line 14).

Claims 28, 33, 35-37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1), in view of Pekonen (US Patent Publication No. 2003/0152107 A1).

As per claim 28, Perkes discloses:

- ***receiving service identification data relating service components at a given frequency to services and relating services at the given frequency to service sets;*** (Perkes, Paragraphs [0224], [0265] and [0269], "Further, the XPG may allow multiple processes to occur simultaneously, and in some cases, to be combined (e.g. listening to a play list of music or an internet radio station while viewing the picture from a live TV broadcast, DVD, or previously recorded program."), Perkes teaches receiving service identification data in a program guide relating services to service sets (services from one or more content providers bundled together).
- ***the service components for a given service being transmitted in a time-sliced manner on a given channel,*** (Perkes, Paragraphs [0063]-[0064], [0078] and [0250], "The Channels may be reflected in a Channel Guide, which provides information including, but not limited to, the Channel name, Channel identifier (either that provided by the Broadcaster or the Viewer), Broadcast Segment size and run time[.]").
- ***hierarchically arranging services including the appropriate service components;*** (Perkes, Figs. 15-17 and Paragraphs [0065]-[0066], "For example, the consumer may choose to view the content displayed in the guide in a different format than the default format and may customize the guide by adding or subtracting categories or genres, and by bookmaking favorite content."), Perkes teaches that the program guide containing the service identification data may be customized (arranged) by the user and presents drawings of the services and service components in hierarchical formats.
- ***displaying the different service sets, services or service components,*** (Perkes, Paragraph [0065], "This is a computer program, which collects the content data into a ticker type electronic programming guide format ("guide"), which enables the consumer to review, preview and otherwise customize the manner in which the guide displays the delivered content.").
- ***providing service selection data on a display,*** (Perkes, Paragraphs [0012]-[0013], "In a further embodiment, visual objects associated with the media objects may be displayed to the user via the interface.").

Perkes teaches transmitting service components but does not specifically disclose the following limitations. However, Pekonen in an analogous art discloses:

- ***wherein the service components are received in bursts with an interval between end of a first burst and start of a second burst,*** (Pekonen, Abstract and Paragraphs [0003]-[0005], [0045] and [0084], "When the encapsulator has received at least two bursts worth of information from an information service provider and has received whatever data the transmitter will send between two such bursts, the encapsulator can determine how much time will elapse between transmission of the first burst and transmission of the second burst.").
- ***content of consecutive bursts is the same or at least partly different;*** (Pekonen, Paragraphs [0084]-[0085], "Bursts of packets can be transmitted more than once.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pekonen into the teaching of Perkes to receive service components in bursts with the content of the bursts being the same or different. The modification would be obvious because one of ordinary skill in the art would want to benefit of reducing power consumption levels and improving operating efficiency of the broadcasting equipment. (Pekonen, Paragraph [0002]).

As per claim 33, it is rejected under the same reasons set forth in connection of the rejection of claim 28 and further Perkes discloses:

- ***wherein the apparatus comprises a mobile terminal,*** (Perkes, FIG. 11, Paragraph [0129]), Perkes teaches that the guide containing the service identification data may be displayed on a lap-top or hand-held computer (mobile terminal).

As per claim 35, Perkes further discloses:

- ***a receiver configured to receive service identification data relating service components at a given frequency to services and relating services at the give frequency to service sets,*** (Perkes, Paragraphs [0224], [0265] and [0269]).

As per claim 36, Perkes further discloses:

- ***the controller is configured to use data items describing the various service components to categorize received content items,*** (Perkes, Figs. 15-17 and Paragraphs [0062]-[0063] and [0065]-[0066]).

As per claim 37, Perkes further discloses:

- ***the content items are categorized according to content type,*** (Perkes, Paragraphs [0062]-[0063] and [0065]-[0066]).

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1), in view of Pekonen (US Patent Publication No. 2003/0152107 A1), and in further view of Paila (US Patent Publication No. 2003/0096614 A1).

As per claim 34, Perkes teaches services at a channel or at a frequency but does not specifically disclose:

- ***the channel is at a given frequency,*** However, Paila in an analogous art discloses the limitation. (Paila, Paragraph [0004], “A channel may be a frequency, a program identifier ("PIED"), a media access control ("MAC") address, or the like.”).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Paila into the teaching of Perkes and Pekonen to have the channel at a given frequency. The modification would be obvious because one of ordinary skill in the art would want a way to access a communications frequency from a plurality of communications frequencies within a network. (Paila, Paragraph [0015]).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkes (US Patent Publication No. 2003/0110503 A1), in view of Pekonen (US Patent Publication

No. 2003/0152107 A1), and in further view of Bonomi et al (Bonomi) (US Patent No. 6,769,127 B1).

As per claim 39, Perkes teaches selecting an item from the display but does not specifically disclose:

- ***the content items are categorized according to content type,*** However, Bonomi in an analogous art discloses the limitation. (Bonomi, Figs. 3B and 11A, Column 11, Lines 54-67, Column 12, Lines 1-24 and Column 28, Lines 5-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bonomi into the teaching of Perkes and Pekonen to use the timing information to tune to an appropriate channel at an appropriate time to obtain the service components. The modification would be obvious because one of ordinary skill in the art would want a way to allow a user to select available content while it is available. (Bonomi, Column 28, Lines 5-25).

Conclusion

4. The prior art considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANGELA T. CHAMBERS whose telephone number is 571-270-3168. The examiner can normally be reached Monday through Thursday, 10:00am-6:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached at 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner, Art Unit 2617

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Supervisory Patent Examiner, Art Unit 2617